

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, Chittoor District, Chittoor in respect of **Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years, D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District** - Confirmed – Orders – Issued.

GENERAL ADMINISTRATION (LAW & ORDER) DEPARTMENT

G.O.Rt.No. 3847

Dated 26-11-2014

Read the following:-

- (1) Order of Detention in Proceedings Roc No.C2/5610/2014, Dt:13.10.2014 r/w Errata Proceedings Roc No.C2/5610/2014, Dt:20.10.2014 of the Collector & District Magistrate, Chittoor District, Chittoor.
- (2) G.O.Rt.No. 3519, G.A.(L&O) Dept., dated 24-10-2014..
- (3) Govt. Letter No.103/L&O/2014-2, dt.28.10.2014.
- (4) From the Advisory Board Report Dated: 07.11.2014

ORDER:

WHEREAS the Collector & District Magistrate, Chittoor District, Chittoor has made an order of detention, vide reference first read above under section 3 (1) & (2) r/w. 2(a) & (b) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against **Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years, D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District**, for illicit cutting, storing and transportation of Red sanders trees from the forest areas and smuggling to various destinations, with a view to prevent him from further indulging in a manner prejudicial to the maintenance of public order;

2. AND WHEREAS the Government have accorded approval of the said detention order under sub-section (3) of section 3 of the Act, vide Government Orders second read above;

3. AND WHEREAS the Advisory Board on Preventive Detentions, constituted under section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members, Under section 10 of the said Act, the Government within three weeks from the date of detention of a person under the order shall place before the Advisory Board, the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under sec. 11(1) of the said Act. The above said case placed before the Advisory Board for its consideration and to submit its report to Government, under section 11 (1) of the said Act, vide reference 3rd read above. The case reviewed on 07.11.2014 and after having heard the detenu besides his cousin, Sri S. Saravanan and perused the representation of the detenu and the Investigating Officers and also upon perusing the grounds of detention and the connected records, has reported that in its opinion "there is sufficient cause for the detention of the detenu, **Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years, D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District**";

4. WHEREAS, the Government on careful examination of the entire record, it is observed that the detenu **Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years, D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District**, was involved in as many as in 10(ten) cases, The above cases were registered against him, under the provisions of Sec.20(1) (ii) (iii) (iv) & (X) of A.P.Forest Act, and also under section 29 of Wild Life Protection Act, 1972 and 55(2) of Biological Diverting Act-2002 and Sec 307, 353,378 & 379 IPC. The details shows that he is a habitual offender. He is committed a series of forest offences by entering Government Reserve Forests without proper authorisation, serving standing red sanders trees heart wood to secret destinations in Bangalore/ Chennai and other unknown places. He has not stopped the same type of offences, even after cases and charges sheet were filed against him. It is also evident from the case records he is engaging in a huge number of persons in the clandestine business and they were

(PTO)

arrested along with the red sander stock at the time cutting of tress and during transportation. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under sec. 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that 'any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order". The detaining authority having taken into account and consideration of indulgence of the detenu in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenu by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the Detenu. As such, the detenu deserves the maximum period of detention, as provided under Section 13 of the Act;

5. NOW, THEREFORE, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under Sub-Section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, Chittoor District, Chittoor in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention of **Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years, D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District**, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 16.10.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
CHIEF SECRETARY TO GOVERNMENT

To

Sri Munaswamy Vijaya Kumar @ Kulla Kumar, S/o Sri P. Munaswamy, aged 44 years,
D.No.28-1384/2, New Balaji Colony, RTC Depot Road, Chittoor Town and District
through the Superintendent of Jails, Central Prison, Rajahmundry, East Godavari District.

The Superintendent of Jails, Central Prison, Rajahmundry, East Godavari District (with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to him and report compliance to Government)

The Collector & District Magistrate, Chittoor District, Chittoor.

The Superintendent of Police, Chittoor District, Chittoor.

The Forest Range Officer, Tirupathi, Chittoor District.

Copy to:

The Director General of Police, A.P., Hyderabad.

The Director General of Prisons and Correctional Services,
A.P., Hyderabad.

The Addl. Director General of Police (Intelligence), A.P., Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)